

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

MERRY SHANE, MICHELLE)	
KRETSINGER, and KEITH KRETSINGER,)	
Individually and on Behalf of All Others)	Civil Action No. 3:10-cv-50089
Similarly Situated,)	(Consolidated with Civil Action No. 3:10-
)	cv-50132)
Plaintiff,)	
)	Judge Fredrick J. Kapala
v.)	Magistrate Judge Michael Mahoney
)	
AMCORE FINANCIAL, INC., JOHN A.)	
HALBROOK, FREDERICK D. HAY,)	
STEPHEN S. ROGERS, JOHN W.)	
GLEESON, WILLIAM R. MCMANAMAN,)	
JACK D. WARD, PAULA A. BAUER, PAUL)	
DONOVAN, TERESA IGLESIAS-)	
SOLOMON, JUDITH CARRÉ SUTFIN,)	
DONALD H. WILSON, KENNETH E.)	
EDGE, LORI M. BURKE and DOES 1-20,)	
)	
Defendants.)	

**DEFENDANTS' RESPONSE TO PLAINTIFF MERRY F. SHANE'S MOTION FOR
APPOINTMENT OF INTERIM CLASS COUNSEL AND INTERIM LIAISON
COUNSEL AND PLAINTIFFS MICHELLE AND KEITH KRETSINGER'S
MOTION FOR APPOINTMENT OF INTERIM CLASS COUNSEL**

Defendants John A. Halbrook, Frederick D. Hay, Stephen S. Rogers, John W. Gleeson, William R. McManaman, Jack D. Ward, Paula A. Bauer, Paul Donovan, Teresa Iglesias-Solomon, Judith Carré Sutfin, Donald H. Wilson, Kenneth E. Edge, and Lori M. Burke ("defendants"),¹ by their attorneys and pursuant to this Court's July 28, 2010 Order (Doc. No. 18), respond to plaintiff Merry F. Shane's Motion for Appointment of Interim Class Counsel and

¹ On August 19, 2010, defendant Amcore Financial, Inc. ("AFI") filed a voluntary petition under chapter 11 of title 11 of the United States Code in the United States Bankruptcy Court for the Northern District of Illinois, Case No. 1:10-bk-37144 (Doc. No. 1). Thus, any claims against AFI are automatically stayed pursuant to Section 362 of the Bankruptcy Code.

Interim Liaison Counsel (Doc. No. 21) and plaintiffs Michelle and Keith Kretsinger's Motion for Appointment of Interim Class Counsel (Doc. No. 22).²

RESPONSE

With respect to which proposed counsel is most suited to serve as interim class counsel, defendants take no position. However, pursuant to the procedures suggested by the *Manual for Complex Litigation* (4th ed. 2004) (the "*Manual*"), defendants request that: (1) for the purposes of "efficiency and economy," the Court appoint only one law firm to serve as interim class counsel; and (2) the law firm appointed as interim class counsel also be granted the authority to act for the entire group of plaintiffs' counsel, so that defendants have one main point of contact for all plaintiffs. *See Manual* § 10.221 ("The most important [factor in appointing and assigning responsibilities] is achieving efficiency and economy without jeopardizing fairness to the parties"; recognizing that when counsel is selected as liaison or lead counsel, they act for the group).

² On June 30, 2010, Judge Kapala consolidated the *Kretsinger et al. v. Amcore Financial, Inc.*, Civil Action No. 3:10-cv-50132 (N.D. Ill. 2010), with *Shane v. Amcore Financial, Inc.*, Civil Action No. 3:10-cv-50089 (N.D. Ill. 2010) (Docket No. 19 in *Kretsinger et al. v. Amcore Financial, Inc.*, Civil Action No. 3:10-cv-50132) "for all purposes pursuant to Fed. R. Civ. P. 42(a)" (Docket No. 20 in *Kretsinger et al. v. Amcore Financial, Inc.*, Civil Action No. 3:10-cv-50132).

Dated: September 8, 2010

Respectfully submitted,

By: s/ Deborah S. Davidson
One of Defendants' Attorneys

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CERTIFICATE OF SERVICE

I, Deborah S. Davidson, an attorney for Defendants John A. Halbrook, Frederick D. Hay, Stephen S. Rogers, John W. Gleeson, William R. McManaman, Jack D. Ward, Paula A. Bauer, Paul Donovan, Teresa Iglesias-Solomon, Judith Carré Sutfin, Donald H. Wilson, Kenneth E. Edge, and Lori M. Burke, hereby certify that a true and correct copy of the foregoing **Defendants' Response to Plaintiff Merry F. Shane's Motion for Appointment of Interim Class Counsel and Interim Liaison Counsel and Plaintiffs' Michelle and Keith Kretsinger's Motion for Appointment of Interim Class Counsel** was electronically filed via the Court's Electronic Filing System this 8th day of September, 2010, which will send a notice of electronic filing to the following counsel of record:

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s/ Deborah S. Davidson
One of Defendants' Attorneys